

REMARKS/ARGUMENTS

Claims 1-34 are pending in the Application, of which claims 1, 22 and 32 are independent. No new matter has been added. In the Office Action, the Examiner rejected claims 1-34 under 35 U.S.C. 103(a) as allegedly obvious over U.S. Patent No. 5,406,952 to Barnes, in view of U.S. Patent No. 4,299,233 to Lemelson.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The claims as currently pending are patentable over the prior art of record cited above. The claims recite an inflated interface member maintained at a substantially constant pressure and that the interface member is configured to function when in indirect contact with the subject's body. The invention taken as a whole derives both the blood pressure and the pulse of the subject.

Taken alone, Lemelson cannot perform the tasks of the present invention, specifically monitoring blood pressure. Although the Lemelson device utilizes an inflatable mattress, the design and intent of the device cannot monitor blood pressure. Lemelson states that a patient or person can be placed on a mattress to monitor "heart beat, heart rate and respiration rate". (col. 2 lines 55-60.) An embodiment of Lemelson utilizes a mattress with a liquid filling to "modulate or generate an electrical signal or signals, variations of this define such body vibrations generated by heart beats, respiration and body tremors." (col. 3 lines 45-53.) The fluid filled mattress used by Lemelson acts simply as an amplifier for sound and vibrations and is suitable only for heart beat, respiration and other gross body movements. Therefore, taken alone, Lemelson cannot detect or derive blood pressure from a patient, which is a feature affirmatively recited in claims 1, 22 and 32.

The combination of Barnes with Lemelson still will clearly not provide all the features of the present invention. Furthermore, the combination of Barnes and Lemelson will render the Barnes invention useless. Barnes describes a blood pressure monitor that attaches to a patient's wrist and physically contacts the patient's skin in order to detect pulse and blood pressure. Barnes uses a "vertical displacement transfer member 60 [which] has one end 62 extending

through the central aperture 55 plastic disk 54 for contacting the patient's wrist directly above the radial artery, and another end 64 attached to the center of the composite piezoceramic transducer disk 52." (col. 3 lines 28-33.) Barnes utilizes a non-inflated interface member to directly contact the subject's body in order to determine the patient's blood pressure. Therefore, Barnes contradicts the present claims, which recite "an inflated interface member maintained at a substantially constant pressure wherein said interface member is configured to function when an indirect contact with the subject's body."

The Office Action incorrectly argues that "it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Barnes' interface member 54 with Lemelson's interface member." (Office Action page 4). However, a person ordinarily skilled in the art would have known that the addition of a fluid filled mattress (or any other sack) to the Barnes invention would preclude the Barnes device from being worn on the wrist or functioning altogether. The amplification apparatus of Lemelson is simply incompatible with the wrist worn device of Barnes. Therefore, the combination of Barnes and Lemelson is both infeasible and contradicts the design intent of the Lemelson mattress and the Barnes interface member and wrist strap. In conclusion, the claims are patentably distinct and non-obvious in light of Lemelson and Barnes.

The above argument is valid in application to the rejection of claims 22 and 32. Therefore the rejections to all independent claims (claims 1, 22 and 32) are overcome.

Appl. No. 10/549,946
Amdt. dated January 22, 2009
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PATENT
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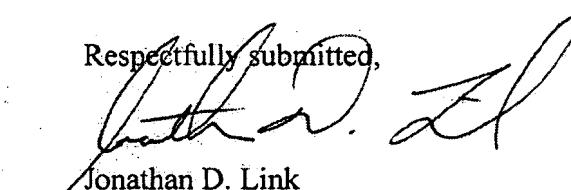
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

The Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430.

Respectfully submitted,


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